

4VAC15-40-300 (NEW) Game: In General. Falsifying harvest information prohibited

Summary:

The proposal will make it a violation of law to provide incorrect information when reporting the harvest or origin of an animal.

Proposed language of the amendment:

4VAC15-40-300 (NEW). Falsifying harvest information prohibited

It shall be unlawful to provide false statements or record false information when tagging, checking or reporting the harvest of any wild animal to the Department, any agent thereof, or taxidermist.

Rationale:

The Department's current checking regulations (e.g., deer, turkey, etc.), which date back decades to the physical check station system, do not address a person knowingly entering false information via the electronic checking system. This regulation was requested by the Department's Law Enforcement Division to address this loophole.

The Department has had mandatory checking since 1947. Until 2004, all checking occurred at physical check stations where the check station operator could visibly inspect the animal and verify the information on the check card.

In fall 2004, the Department initiated a telephone checking system and in fall 2009 an internet checking option was added. In fall 2017 a mobile phone application was initiated and in fall 2018 an electronic e-notching feature was added (e.g., electronic deer license and tagging). Visual verification is no longer an option. During the same timeframe, the Department has enacted regulations like Antler Point Restrictions (APRs) and Earn A Buck (EAB) which require that specific types of animals be killed in a specified order in designated areas. Conservation Police Officers have encountered and uncovered multiple situations where someone has checked an "imaginary" antlerless deer in order to circumvent requirements for EAB, has entered an incorrect number of antler points to circumvent APRs, or has harvested antlerless deer in counties with no antlerless season and checked them in as being harvested in a county with an antlerless season, to name a few examples.

With the ever-increasing risks for hunters to import carcasses with chronic wasting disease (CWD) from other states, it is important that imported animals are properly identified. Taxidermists are permitted by the Department pursuant to 29.1-415 of the Code of Virginia and are included in this proposal due to their reporting requirements and the frequency with which they may be presented with illegally harvested animals; their involvement in the receipt of cervids coming from CWD positive or high risk states where false information may be provided as to their origins; their ability to sell unclaimed specimens; and their exceptions of CITES requirements for shipping pelts out of state for tanning purposes.